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Security Council

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Letter dated 25 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/812).

The Counter-Terrorism Committee has received the attached supplementary report from Qatar, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-66944 (E) 041102

Annex

Note verbale dated 21 October 2002 from the Permanent Mission of Qatar to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the State of Qatar to the United Nations presents it compliments to the Chairman of the Counter-Terrorism Committee and, in reference to the latter's note of 24 April 2002 concerning the Committee's request that the State of Qatar provide information on certain points on counter-terrorism, has the honour to attach herewith the complete report of the concerned authority in the State of Qatar, in accordance with paragraph (6) of resolution 1373 (2001).

Enclosure

Report containing the replies of the State of Qatar to the questions of the Security Council's Counter-Terrorism Committee established pursuant to resolution 1373 (2001)

Part I: Paragraph 1

Progress report on the consideration being given to the implementation of the International Convention for the Suppression of the Financing of Terrorism

A joint ministerial committee has been constituted to study the accession of the State of Qatar to all the international agreements and conventions on combating terrorism, including the International Convention for the Suppression of the Financing of Terrorism. The committee began its work last July and upon completion of this work, will submit its recommendations to the Council of Ministers.

A detailed outline of legislation or proposed legislation relating to the consideration of the international conventions for the suppression of the financing of terrorism

The competent legislative authorities have prepared a draft penal code to replace the existing Penal Code. Chapter III of this draft code is devoted to crimes of terrorism. Article 141 of this Chapter makes the financing of terrorist groups a criminal offence and punishes offenders by life imprisonment. As regards the progress made by the draft penal code in particular, the Council of Ministers has approved it, and it has been submitted to the Consultative Council for the completion of the necessary legislative procedures.

Detailed outline of the money-laundering bill and progress report on its enactment and implementation

The State of Qatar has completed all the legislative stages of the money-laundering bill, and on 10 September 2002, Law No. 28 of 2002 on combating money-laundering was enacted. Its most important provisions are as follows:

1. This law prescribes the criminalization of money-laundering activities, since it provides that: "Whosoever acquires, possess, disposes of, manages, replaces, deposits, supplements, invests, transfers or exchanges money obtained from crimes involving narcotic drugs and psychotropic substances, the crimes of blackmail and theft, forgery and the counterfeiting of bank notes and coins, the illicit trade in arms, munitions and explosives, crimes relating to the protection of the environment, or trafficking in women and children, where the purpose thereof is to conceal the real source of the money and make it appear that its source is legitimate" shall be deemed to have committed the crime of money-laundering; as shall "any agent of a financial institution who hands over or exchanges or enters in financial or banking transactions amounts of cash or bank notes where he knows, or has abundant reason to believe, that this money constitutes the proceeds of one of the crimes referred to in the previous paragraph".

2. The above-mentioned law imposes various penalties on the perpetrators of the crime of money-laundering, depending on the gravity of the act, the maximum

being a term of imprisonment not exceeding seven years and a fine of not less than 50,000 Qatar Rials and not exceeding the value of the money involved in the crime. These punishments shall be doubled if the crime was committed in partnership with others or in the event of a repeated offence. In all cases the court shall order the means by which the crime was committed and its proceeds to be confiscated. The law provides for the application of these punishments to juridical persons and for the courts to order the cancellation of their licences or the cessation of their activities.

3. The above-mentioned law entrusts the Central Bank of Qatar with the task of determining the duties of the financial institutions in combating money-laundering and monitoring how these duties are carried out. It also provides for the establishment of a committee in the Bank, entitled the Committee for Combating Money-Laundering, consisting of representatives of the Bank and the Ministry of the Interior, the Ministry of Civil Service Affairs and Housing, the Ministry of Finance, Economy and Commerce and the Ministry of Justice. It has the following special tasks:

(a) To draw up and endorse plans and programmes for combating money-laundering and monitor the implementation thereof and coordination with the authorities responsible for implementing statutory provisions and conventions on combating money-laundering.

(b) To monitor international developments in the sphere of its activities and propose the necessary measures in this field.

(c) To monitor the implementation of court judgements relating to the crimes of money-laundering and the implementation of measures relating to international cooperation to combat money-laundering.

(d) The coordinator of the Committee for Combating Money-Laundering is entrusted with the task of implementing the Committee's decisions and obtaining statements in cases in which the crime of money-laundering is suspected.

4. The above-mentioned law prescribes that the crime of money-laundering be considered one of the crimes in respect of which exchanges of information, coordination, international cooperation and the extradition of criminals are permitted, in accordance with provisions of any conventions concluded or acceded to by the State.

5. The above-mentioned law gives the coordinator of the Committee and the officials of the competent authority, concerning whom a decision is issued, the status of judicial police commissioners for the establishment and control of the crimes referred to in this law.

Laws and practical controls and surveillance measures to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism

Article 85 of the Qatar Penal Code provides that: "Any person not covered by Article 84 above who provides either financial or moral assistance in promoting an illegal organization, while knowing or having reason to believe that it is an illegal organization, shall be punished by a term of imprisonment of not more than one year and by a fine not exceeding 1,000 Rials, or by both penalties".

The collection of funds and donations in the State of Qatar by private organizations and institutions is governed by Law No. 8 of 1998 on private organizations and institutions. Article 27 thereof provides that organizations are only permitted to collect donations in order to attain their objectives on the basis of an authorization issued by the Ministry of Civil Service Affairs and Housing. Funds may be collected insofar as this is not incompatible with the laws and regulations in force.

The Department for Social Affairs in the Ministry of Civil Service Affairs and Housing is responsible for overseeing these organizations and the way in which the gathering of donations and funds is organized.

This Department has adopted a number of measures in this connection, including the following:

- It has appointed auditors for the organizations in question, in addition to the financial auditing carried on by the ministry responsible.
- It has directed private organizations and institutions to comply with the legal provisions and procedures and advised them of their duty to observe them in collecting funds and the method of disposing of it.
- No projects may be set up and no funds intended for such projects may be sent outside the State without prior written assent from this Department.
- The Department must be presented with the names and addresses of the organizations, institutions and persons receiving transfers of fund for implementing projects abroad.

Since the events of 11 September the competent State authorities have put an end to the collection of donations by organizations registered outside the State of Qatar.

In application of the provisions of the note of the Chairman of the Security Council committee set up pursuant to resolution 1267 (1999), all persons and entities featuring on the list attached to that note and connected to al-Qa'idah or the Taliban have been banned from entering the State of Qatar and from collecting or receiving any funds through associations operating in the State.

The laws and procedures available to regulate alternative remittance systems including hawala

The Central Bank issues circulars to financial institutions in the State of Qatar requiring them to take intensive measures to monitor transfers of funds, namely by preserving identity documents and the records of transactions and notifying the Central Bank of suspicious transactions. It should be pointed out that hawala and other alternative systems of payment may only take place with the permission of the Central Bank.

The legal effect of the decision of the Central Bank to freeze the accounts of 26 depositors

In accordance with legal decree No. 15 of 1993 establishing the Central Bank of Qatar and amendments thereto and the circulars which it has issued, the Bank implements the best supervision and investigation practices recommended by

international organizations such as the Financial Action Task Force on Money Laundering (FATF), the International Monetary Fund, the United Nations, the Basel Committee on Banking Supervision, the World Bank, etc.

In the light of the above, the Central Bank has issued circulars to banks and financial institutions to implement its instructions on combating money-laundering and the funding of terrorism.

It should be pointed out that the decision of the Central Bank to freeze the accounts of 26 depositors has been circulated to all banks and financial institutions operating in the State of Qatar, and it is now clear that there are no longer any funds or accounts belonging to individuals or entities featured on the list of the 26 depositors.

Part II: Paragraph 2

Subparagraph 2 (a)

Provisions of the third chapter of the draft penal code and the current stage of enactment and implementation

This chapter contains provisions on the definition and criminalization of terrorist acts whether committed by individuals or groups and imposes various penalties according to the gravity of the act, with the maximum being the death penalty or life imprisonment (Articles 138 to 140).

As mentioned above, the Council of Ministers has endorsed the draft penal code and submitted it to the Consultative Council to complete the necessary legislative procedures.

Detailed outline of legislative and practical measures preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support

Article 84 of the existing Penal Code provides that: "Whosoever founds or participates in the founding of, or runs, or participates to any extent in the running of, an illegal organization shall be punished by a term of imprisonment not exceeding seven years".

Article 85 provides as follows: "Any person not covered by the above Article who provides either financial or moral assistance in promoting an illegal organization, while knowing or having reason to believe there is an illegal organization, shall be punished by a term of imprisonment of not more than one year and by a fine not exceeding 1,000 Rials, or by both penalties."

Article 141 of the draft penal code of Qatar provides that: "Whosoever knowingly procures for, or gives to, an association, a body, an organization, a group or a gang referred to in the previous Article, arms, munitions or equipment to assist them in achieving their objective shall be punished by life imprisonment."

It should be pointed out that the draft penal code also deals with these matters in Articles 139 to 145.

What measures does Qatar have in place to prevent terrorists obtaining weapons within or outside its territory, in particular small arms or light weapons? What legislation exists concerning the acquisition, possession, import and export of weapons?

The legislation in force is law No. 14 of 1999 on arms, munitions and explosives, a copy of which is attached. This law criminalizes a large number of acts which it considers terrorist acts and includes a set of harsh rules and penalties, the maximum being the death penalty, to prevent terrorists from being supplied with arms.

Article 20 of the law in question prohibits the import or export of, or trade in, arms without a licence and prohibits the issuing of a licence for bringing such arms or munitions into, or taking them out of, the State of Qatar.

Article 21 of the law lays down strict conditions which must be satisfied in requesting authorization to import or export arms or trade in arms.

The draft penal code contains provisions criminalizing and punishing the acts in question. Article 141 provides that: "Whosoever knowingly obtains for, or gives to, an association, a body, an organization, a group or a gang referred to in the previous Article weapons, munitions or equipment which assist them in achieving their objective or sends supplies to them or collects funds or enters into criminal communications of whatever kind with the heads or leaders of such a gang, and whosoever provides the perpetrators of such crimes with quarters or shelter or a meeting place or any other facilities shall be punished by life imprisonment."

It should be pointed out that the State of Qatar has no arms industry or any places for selling arms.

Subparagraph 2 (b)

Does Qatar have a body specialized in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is coordination between the various entities effected?

Combating terrorism is the responsibility of a number of State authorities:

- The general intelligence apparatus
- The State security intelligence service
- The Minister of the Interior's security forces department
- The Qatar armed forces' special forces unit
- The General Customs and Ports Authority
- The Central Bank of Qatar

Officials of the last two organizations have been granted powers of judicial control which give them the right to control the crimes and seize the equipment and funds used in perpetrating them. The Minister of the Interior assumes responsibility for coordination between these authorities in this field. Cooperation between these bodies takes place through direct contacts, periodic meetings and exchanges of information. Despite the fact that the State of Qatar is free of terrorist crimes and does not suffer from terrorism directly, recent international developments as regards

the growth of this phenomenon and the danger it poses to the international community as a whole means that the State of Qatar and its security bodies must strive to combat terrorism as part of an overall State policy in keeping with the requirements of this stage of development.

Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

Each authority is constantly defining its strategy as part of the general policies defined by the supreme authorities in the State.

The work of the various authorities concerned is coordinated, in addition to the periodic meetings held between them for consultation and exchanges of information about relevant topics.

Please provide a progress report on the signing of the bilateral agreements on the extradition of, and the exchange of information relating to, criminals mentioned in chapter III of the report.

As regards bilateral agreements on the extradition of, and the exchange of information relating to, criminals, the State of Qatar has ratified a number of such agreements, signed a number of others and is studying other such agreements. The following table shows the position of the State of Qatar in respect of each of these agreements:

Table showing the position of the State of Qatar in respect of bilateral agreements on the extradition of, and the exchange of information relating to, criminals

Number	*Title*	*Date*	*Ratification*
1.	Agreement on security cooperation and the extradition of criminals with the Kingdom of Saudi Arabia of 1982	1982	Ratified in 1982
2.	Agreement on security cooperation with the Republic of Yemen of 2000	2000	Ratified in 2002
3.	Agreement on security cooperation with the Republic of Turkey of 2001	2001	It was agreed to ratify this agreement in 2002
4.	Agreement on legal and judicial cooperation with the Republic of Tunisia of 1997	1997	Ratified in 1998
5.	Agreement on legal and judicial cooperation with the Hashemite Kingdom of Jordan	1997	Ratified in 1997
6.	Memorandum of understanding on security cooperation with the French Republic	Signed in 1996	Ratification not necessary

Number	*Title*	*Date*	*Ratification*
7.	Draft agreement on legal and judicial cooperation with the French Republic	It has been agreed to sign this agreement	
8.	Draft agreement on legal and judicial cooperation with the Arab Republic of Egypt	Under consideration	
9.	Draft agreement on legal and judicial cooperation with the Syrian Arab Republic	Under consideration	
10.	Draft agreement on legal and judicial cooperation with the Kingdom of Morocco	Under consideration	
11.	Draft agreement on legal and judicial cooperation with the Lebanese Republic	Under consideration	
12.	Draft agreement on legal and judicial cooperation with the Republic of India	Under consideration	
13.	Draft agreement on legal and judicial cooperation with the Islamic Republic of Pakistan	Under consideration	
14.	Draft agreement on legal and judicial cooperation with the Republic of Iraq	Under consideration	
15.	Draft agreement on legal and judicial cooperation with the People's Democratic Republic of Algeria	Under consideration	
16.	Draft agreement on legal and judicial cooperation with the Republic of the Sudan	Under consideration	

Subparagraph 2 (c)

What legal provisions exist to prevent asylum-seekers and other persons of the type mentioned in subparagraph 2 (c) of the resolution from entering Qatar?

Law No. 3 of 1963 regulating the entry of foreigners into Qatar and their residence in this country contains numerous provisions controlling the entry of the groups in question. These include the following:

1. A person seeking to enter Qatar must hold a valid passport issued by the relevant authorities recognized in Qatar.

2. His passport must bear the entry visa of the relevant authorities of Qatar.

3. No person may enter or leave Qatar except by the border points of transit designated for this purpose and after a visa has been affixed to his passport.

4. The captains of vessels or aircraft shall notify the competent authorities of the names of those passengers who do not hold passports and prevent them from leaving the vessel or aircraft until the competent authorities have been informed.

The law gives the Minister of the Interior the power to deport a foreigner if it is established that his presence poses a threat to State security and domestic and external security. A foreigner in respect of whom a deportation order has been issued may only return to Qatar if the competent authorities so decide.

Among the measures taken to prevent the groups in question from entering Qatar, the relevant authorities check and investigate the identity of applicants for entry against the blacklist which contains the names of all suspects and persons who have committed terrorist acts. The relevant authorities seek to implement the Gulf Cooperation Council's security strategy for combating the extremism associated with terrorism which provides for: "the intensification of the necessary surveillance measures to secure the borders and air, land and sea border transit points to prevent the infiltration of terrorist extremists; the prevention of the smuggling of arms and munitions and a refusal to allow them to pass through, or to be stockpiled on, the territory of the State; the prevention of the use of State territory for planning, organizing and carrying out any act by extremist and terrorist elements; and efforts to prevent the harbouring, training, arming and financing of such elements or the provision of any facilities to them."

Subparagraph 2 (e)

What is the competence of the courts of Qatar to deal with criminal acts of each of the following kinds:

An act committed outside Qatar by a person who is a citizen of, or habitually resident in, Qatar (whether that person is currently present in Qatar or not);

An act committed outside Qatar by a foreign national who is currently in Qatar?

The Penal Code of Qatar of 1971 defines the scope of its applicability as regards persons in Articles 4-8 of the second section.

Article 6 provides for the punishment of any citizen of Qatar who commits outside Qatar a crime provided for by the law.

As regards acts committed abroad by a resident or foreigner, Qatar courts are concerned with such matters only insofar as they are linked to another crime committed in the State or if they are directed against the State of Qatar or relate to its currency, stamps or seals.

Articles 16 and 17 of the draft penal code subject all persons (nationals of Qatar, residents and foreigners) present in the State to the jurisdiction of Qatar courts in respect of certain crimes including international terrorism, whether these crimes are committed inside Qatar or abroad.

Subparagraph 2 (g)

Description of the mechanism for inter-agency coordination between the authorities responsible for narcotics control, financial tracking and security, in particular with regard to border controls

The bodies and authorities responsible for narcotics control, financial tracking and security coordinate their work and cooperate directly with each other, and the State of Qatar takes measures to secure control of the borders and border transit points in this respect. Units consisting of the various bodies concerned are stationed at the border transit points.

In 1999 the State of Qatar set up a committee entitled the Standing Committee for Narcotics and Alcohol which coordinates the work of, and cooperates with, the other local, regional and national bodies concerned, monitors the application of the decisions and recommendations issued in this area and submits periodic reports to the Ministry of the Interior.

In addition to the above, on the basis of the provisions of law No. 28 of 2002 on combating money-laundering, the State has set up the "National Committee for Combating Money-laundering" whose duties include drawing up and adopting plans and programmes for combating money-laundering and monitoring the implementation thereof and coordination with the competent bodies in order to implement the statutory provisions and agreements relating to combating the crime of money-laundering. The coordinator of this Committee is charged with the task of obtaining statements from the competent authorities where the crime of money-laundering is suspected, taking the relevant legal measures, monitoring the investigation and verification measures and the issuing of arrest warrants by the relevant judicial authority and monitoring the implementation of the judicial provisions and measures relating to international cooperation in combating money-laundering. In accordance with the provisions of Article 2 of the law in question, this crime covers money obtained through crimes involving narcotic drugs.

Measures taken to prevent the counterfeiting or fraudulent use of identity papers and travel documents (as distinct from the punishment of persons who commit such acts)

The new machine-readable passports of Qatar incorporate a number of marks and technical specifications intended to provide protection and prevent counterfeiting or the falsification of the information they contain.

Part III: Paragraph 3

Subparagraphs 3 (a), (b) and (c)

Institutional mechanism for implementing subparagraphs 3 (a), (b) and (c) of the resolution.

The State of Qatar has constituted a committee to coordinate the efforts of the authorities concerned to implement the commitments it has assumed pursuant to Security Council resolution 1373 (2001). The Committee has begun its work and submits periodic reports about its work to the Council of Ministers.

Subparagraph 3 (d)

Statement concerning the relevant international conventions and protocols relating to terrorism and on progress made by Qatar in:

becoming a party to the instruments to which it is not yet a party; and

enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party (where those instruments are not wholly capable of self-execution)

As mentioned above, the State of Qatar has set up a committee to consider all the international agreements and protocols on combating terrorism with a view to taking a decision on accession.

The State of Qatar is engaged in activating and implementing the provisions of all the relevant international conventions and protocols relating to terrorism to which it has acceded by promulgating national legislation to discharge these obligations. These include the following:

(a) Law No. 15 of 2002 on civil aviation has been enacted. Its most important provisions are Articles 93 to 101 and 106 to 107 which are all devoted to the criminalization and punishment of the perpetrators of attacks against aircraft and the safety of civil aviation and combating terrorism, in application of the agreements adopted in this field, namely the Tokyo Convention of 1963, The Hague Convention of 1970, the Montreal Convention of 1971 and the Protocol thereto of 1988, in addition to the provisions of the law complying with the obligations under the Chicago Convention of 1944, together with the annexes and amendments thereto.

(b) The draft penal code of Qatar referred to above contains an entire chapter devoted to crimes of terrorism.

(c) The draft code of penal procedure contains provisions relating to the extradition of criminals in line with international standards in this matter.

Subparagraph 3 (e)

Have the crimes set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which Qatar is a party?

The above-mentioned bilateral agreements on security, legal and judicial cooperation signed by the State contain some of the crimes featuring in the relevant international agreements and protocols, and the competent State authorities are endeavouring to incorporate these crimes in the corresponding draft bilateral agreements which are currently under consideration or which will be signed in the future.

Subparagraph 3 (f)

The report states that conventions have the force of the law in Qatar upon Qatar becoming a party to them. The CTC would be grateful for clarification on how Qatar discharges the obligations imposed on States by the relevant international conventions and protocols to legislate with respect to matters specified in those conventions and protocols or to include particular provisions in bilateral treaties.

Article 24 of the amended provisional constitution provides that conventions are adopted by His Highness the Emir by decree and acquire the force of law after adoption, ratification and promulgation in the official journal.

However, in order to ensure the implementation of these conventions, new, domestic legislation must be enacted and existing legislation amended, and this is what the State is doing. Reference has already been made to the enactment of legislation of this kind, such as the law on combating money-laundering and the law on civil aviation.

Subparagraph 3 (g)

Please describe the procedures and legal provisions that regulate extradition. Is Qatar a party to any bilateral treaties on extradition?

The existing Code of Penal Procedure contains no provisions regulating the extradition of criminals, and this matter has been left to bilateral conventions. The draft code of penal procedure has addressed this.

As has already been mentioned, the State of Qatar is a party to numerous bilateral conventions which contain provisions regulating the extradition of criminals, including the conventions concluded with the Kingdom of Saudi Arabia, the Republic of Yemen and the Republic of Tunisia.

Is it possible under the law of Qatar for requests for the extradition of alleged terrorists to be refused on political grounds?

As already mentioned, the Code of Penal Procedure of Qatar currently in force does not contain any provisions on the extradition of criminals.

Part IV

Has Qatar addressed any of the concerns expressed in paragraph 4 of the resolution?

In the field of drug trafficking the State of Qatar has acceded to a number of international conventions for combating narcotic drugs, foremost among which is the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20 December 1988.

Law 9 of 1987 on combating narcotic drugs and dangerous psychotropic substances and regulating their use and the trade in these substances (attached to the report) addresses the subject of the confiscation of funds derived from drug trafficking through the provisions of Article 43. The law has increased the severity of the penalties for drug trafficking, the maximum now being the death penalty.

In the field of arms trafficking, the above-mentioned law No. 14 of 1999 on arms, munitions and explosives (attached to this report) contains a number of acts which are considered terrorist acts and includes a set of harsh provisions and severe penalties, the maximum being the death penalty, which reduce the opportunities for terrorists to be supplied with arms or for arms trafficking.

In the field of smuggling of nuclear materials and other potentially deadly substances, the State of Qatar acceded to the Treaty on the Non-Proliferation of Nuclear Weapons in 1989. With regard to chemical weapons it ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 1997, and it also ratified the international Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction in 1975.

Could Qatar please provide an organizational chart of its administrative machinery, such as police, customs and taxation authorities?

The following documents are attached to this report

- organizational chart of the Ministry of the Interior
- organizational chart of the Central Bank of Qatar
- draft organizational chart of the General Customs and Ports Authority

Annexes

1. The Penal Code of Qatar of 1971 (section relating to the applicability thereof)
2. The law on arms, munitions and explosives
3. The law on combating money-laundering
4. The law regulating the entry into and residence in Qatar of foreigners
5. The law on combating narcotic drugs and dangerous psychotropic substances and regulating their use and the trade in these substances
6. Organizational chart of the Ministry of the Interior
7. Organizational chart of the Central Bank of Qatar
8. Draft organizational chart of the General Customs and Ports Authority

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Security Council

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28 October 2002

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Letter dated 25 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 6 August 2002 (S/2002/905).

The Counter-Terrorism Committee has received the attached supplementary report from Senegal, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-66956 (E) 071102 181102

Annex

Letter dated 18 October 2002 from the Permanent Representative of Senegal to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Following your letter S/AC.40/2002/MS/OC.123 dated 15 July 2002, I am pleased to forward herewith the additional report of Senegal, as requested by the Counter-Terrorism Committee, after the consideration of our first report submitted in accordance with paragraph 6 of the Security Council resolution 1373 (2001).

(*Signed*) Papa Louis **Fall**
Ambassador

Supplementary report by Senegal on the implementation of the provisions of Security Council resolution 1373 (2001) concerning counter-terrorism

[Original: French]

To supplement its previous report, the Government of Senegal hereby submits the information requested by the Counter-Terrorism Committee on certain points relating to the implementation of Security Council resolution 1373 (2001).

Paragraph 1

Subparagraph (a)

A detailed outline of the proposed ECOWAS-WAEMU harmonized law on the combating of money-laundering in the West African subregion.

The draft harmonized law on the combating of money-laundering in West Africa is one of many legal measures adopted or envisaged by Africa in its effort to combat effectively money-laundering and the networks financing terrorism.

The draft harmonized law takes into account texts and provisions that are already in force or are being drafted at the international and West African subregional levels.

At the international level, the following measures have been taken:

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted on 19 December 1998;

The Financial Action Task Force on Money-Laundering (FATF), which drafted 40 recommendations to be used as a reference document at the international level, was established in 1989 by the G-7 Summit in Paris;

After 11 September 2001, the number of recommendations was increased to 48, given the need to combat the financing of terrorism;

On 8 November 1990, the Council of Europe adopted the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, and on 10 June 1991, the Council adopted its Directive on Prevention of the Use of the Financial System for the Purpose of Money Laundering;

At its twentieth special session, on countering the world drug problem, the General Assembly adopted the action plan contained in its resolution S-20/4;

The United Nations Convention against Transnational Organized Crime was signed in Palermo on 15 December 2000.

All the above-mentioned instruments provide the frame of reference referred to by the international financial institutions, including the West African ones, in evaluating the efforts made by States to combat money-laundering. Such efforts are focused on the following:

1. Legislative cooperation relating to the harmonization of concepts with a view to ensuring effective international cooperation in judicial matters;

2. Collaboration between public authorities, monetary authorities, the financial world and professions involving activities that are particularly susceptible to money-laundering;

3. Increased cooperation among States in the framework of bilateral or multilateral agreements.

At the subregional level, measures taken in the Economic Community of West African States (ECOWAS) led to the establishment of the Intergovernmental Action Group against Money Laundering (GIABA), which works to encourage cooperation on legislative matters and coordinate the activities of States in this area. Senegal played an important role in the establishment of GIABA, having been the first country in the subregion to criminalize the laundering of the proceeds from narcotics trafficking in its drug code.

One of the goals of GIABA is to promote the necessary cooperation between States members of ECOWAS that have different legal systems, with a view to rationalizing the fight against money-laundering at the subregional level.

Accordingly, the Central Bank of West African States (BCEAO) decided to set up, for the benefit of the States members of the West African Economic and Monetary Union (WAEMU), namely Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali and Senegal, an appropriate legislative framework for combating the laundering of the proceeds from criminal activities involving corruption, fraud, misappropriation of public funds and so on.

This community legislation is needed because of the recent growth of a new form of financial crime which clearly threatens the integrity of the financial and monetary system of the subregion.

In June 2002, following two technical seminars held in Dakar in July 2000 and February 2002, the draft harmonized law was submitted to and adopted by the Board of Directors of BCEAO.

The draft law was submitted to the Council of Ministers of WAEMU for adoption in September 2002. It will subsequently be sent to member States with a view to its incorporation into the national law of each State.

Parallel to this procedure, during the first stage and pursuant to its mission, GIABA had the draft law translated into English and sent it to the English-speaking States members of ECOWAS and to French-speaking and Portuguese-speaking States that are not members of WAEMU. This was done so that other States might be aware of the purpose and orientation of the draft law.

During the second stage, GIABA requested legal assistance from the Government of the United Kingdom, which agreed to adapt the draft harmonized law to the common law system, in order to facilitate its incorporation into the national law of the English-speaking States members of ECOWAS. The aim is to enable all the States concerned to take practical steps so that during the course of this year, the legislation on combating money-laundering can be harmonized throughout the subregion.

In addition, community regulations were drafted and adopted with a view to organizing and reinforcing the fight against the financing of terrorism. These

regulations, which apply mainly to the banking system, are already applicable in the States members of WAEMU.

GIABA followed the same procedures, with a view to achieving harmonization among the States members of ECOWAS.

With regard to the major issues covered by the draft harmonized law, it takes into account all aspects of the fight against money-laundering, under the following six titles:

The preliminary title includes a definition of money-laundering based very largely on all the aforementioned international legal instruments and including all the different terms used;

Title I sets forth the purpose of the law, including the legal framework for combating money-laundering, and lists the subjects of the law, namely, the States themselves, the Treasury, the central bank and all those (natural and legal persons) that handle public or private funds;

Title II provides for money-laundering prevention measures pertaining to identification and knowledge of clients, preservation of transaction documents and implementation of in-house prevention programmes;

Title III provides for the detection of money-laundering, including mechanisms for reporting suspicion, the responsibility of States with respect to informants, the lifting of banking confidentiality and the establishment of national multidisciplinary financial intelligence units (CENTIF) to conduct investigations in this area within each State;

Title IV, on enforcement measures, provides for criminalization, seizure, criminal penalties and confiscation of the proceeds of money-laundering;

Title V provides for international cooperation with regard to mutual judicial assistance and the exchange of information among the States parties and with other States members of ECOWAS and the international community;

Title VI includes final provisions, including the date of adoption by States parties, monitoring of implementation, amendments and the coordinated entry into force of the law in all States members of ECOWAS.

It should be noted that Senegal, as a member of WAEMU is waiting for the conclusion of the adoption process at the community level before submitting the text to its legislature, with a view to its incorporation into its national law before the deadline set by the treaty establishing the Monetary Union.

Subparagraph (b)

The International Convention for the Suppression of the Financing of Terrorism

Upon completion of the ratification procedure, on which Senegal has already embarked, the requisite legislative and regulatory measures will be taken for the incorporation of the Convention into Senegalese national law and for its effective implementation.

Main provisions of article 80 of the Penal Code

Article 80 of the Penal Code reads as follows:

> "Other practices and acts of a nature such as to jeopardize public security, give rise to serious political unrest or infringe the laws of the country, shall be punished with imprisonment for a minimum of three and a maximum of five years and a fine of between FCFA 100,000 and 1,500,000.
>
> Offenders may also be subject to local banishment."

NB. The former text also penalized "other practices and acts of a nature such as to discredit public institutions and their functioning."

This offence, which was found to be incompatible with democratic freedoms, was abolished by the Act of 29 January 1999.

In fact, in 1999, the legislature thus wished to expunge crimes of opinion from the Senegalese legal system.

Subparagraph (c)

What is the basis for the list of accounts to which article 42 of Act No. 90-06 relates? Is there any provision in that Act for the freezing of accounts on the basis of suspicious transactions, independently of the listing of accounts?

It must first be explained that article 42 of Act No. 90-06 on banking regulations deals mainly with the oversight exercised by the Central Bank and Banking Commission as part of their supervision of the banking system.

It makes it incumbent on credit institutions (banks and financial institutions) to communicate to the Central Bank any information or documentation deemed useful for the examination of their situation.

The purpose of this article is to establish that banking confidentiality cannot be invaded vis-à-vis the courts and bodies supervising banking activities in the event of criminal investigations.

The way it is worded gives the supervisory authorities a fair degree of latitude to widen the field of their inquiries to encompass operations involving any account opened with any credit institution.

Act No. 90-06 does not contain any provisions concerning the freezing of accounts which have allegedly been used for suspicious transactions.

What legal provisions exist for the freezing or confiscating of funds of persons and entities who are not named in the lists drawn up by BCEAO, the United States administration and the European Union but are, in fact, connected with terrorist activities? Do articles 87 bis and 372 of the Code of Criminal Procedure deal with cases of this kind?

Yes, these provisions are applicable.

The provisions in question are the general provisions of ordinary law governing criminal procedure.

Subparagraph (d)

Articles 665, 666, 667, 668 and 669 of the Code of Criminal Procedure refer to offences committed abroad either by Senegalese or by aliens.

Article 665. "Any person who, in the territory of the Republic, became an accessory to the commission of an offence abroad, may be prosecuted and brought to trial if the act is an offence under both Senegalese law and the law of the foreign country."

This provision establishes the principle of dual criminal liability. In order for acts committed abroad to be prosecuted in Senegal, they must be subject to prosecution both in Senegal and in the foreign country.

Article 45 of the Penal Code states that accessories to the commission of an offence must receive the same penalties as the perpetrators and co-perpetrators.

Forms of complicity are determined by article 46, paragraph 2, of the Penal Code, which states: "Persons who have procured weapons, tools or any other means used for the act shall be considered to be accessories."

Article 668 of the Code of Criminal Procedure states: "Any offence, whereof an act forming one of its constituent parts has been performed in Senegal, shall be deemed to have been committed in the territory of the Republic."

Within this framework, it is possible to prosecute "persons who have knowingly, in whole or in part, handled articles which have been removed or misappropriated, by means of an offence." (Article 430 of the Penal Code)

Article 431 of the Penal Code continues, "if a serious penalty is applicable to the acts of handling, the handler shall be punished with the statutory penalty for the offence and the circumstances thereof."

The law draws a distinction between series of offences and multiple offences.

Multiple offences are those where the same acts can be characterized in several different ways. In this case, prosecution may be initiated by relying on all of these possible characterizations. But the trial courts will choose only the characterization which best fits the acts.

Series of offences are those where different offences are committed by one or more persons and where each has its own characterization.

In this case, prosecution will rest on the legal basis pertaining to each offence.

Are financial institutions, other intermediaries (e.g. lawyers) and other natural or legal persons required to report suspicious transactions to the relevant authorities? What penalties apply to those who omit to report?

What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?

As they stand at present, the banking and financial regulations say nothing precise about control and surveillance measures to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted from their original purpose.

It should, however, be noted that the above-mentioned community regulations take this aspect into account pending their inclusion in the field of application of the law on money-laundering.

Please indicate the laws and procedures available to regulate alternative remittance systems, including systems of, or similar to, the kind known as hawala.

Alternative remittance systems, more usually known as "informal systems" are not covered by any specific regulations.

The rules contained in regulation R09/98/CM/UEMOA of 20 December 1998 on the external financial relations of the States members of WAEMU deal only with the traditional systems.

Article 2 of the regulation identifies the intermediaries responsible for executing external financial operations.

Under that article "Exchange operations, capital movements and settlements of any kind between a State member of WAEMU and other countries and, within WAEMU, between a resident and a non-resident, may be effected solely through the Central Bank, the postal administration or an intermediary bank authorized to perform manual exchange transactions, within the scope of their respective competence as defined in annex I to the said regulation."

Consequently remittance systems which do not derive their prerogatives from this regulation are operating unlawfully and in breach of exchange controls. Offenders are liable to prosecution.

Order No. 94-29 of 28 February 1994, on proceedings related to exchange control offences, ratified by Act No. 94-54 of 27 May 1994, defines the nature of exchange control offences, indicates the procedure for establishing the facts relating to such offences and establishes the penalties.

Paragraph 2

Subparagraph (a)

How can the existing provisions of the Penal Code "serve as a legal basis for prosecuting activities involving recruitment of members of terrorist groups", particularly where the groups themselves operate outside Senegal?

Article 238 of the Penal Code provides that the formation of any association, regardless of its duration or the number of its members, or the conclusion of any agreement, for the purpose of preparing one or more offences against persons or property, is a crime.

According to article 239, paragraph 1, of the Penal Code, "any person affiliated to an association formed for the purpose of preparing or committing one or more offences against persons or property, or becoming a party to an agreement concluded for that purpose, shall be subject to criminal penalties."

Article 240 of the Code provides that "any person who knowingly and voluntarily assists the perpetrators of a crime of conspiracy by providing them with the instruments to commit an offence, means of correspondence or meeting places, shall be subject to criminal penalties".

With regard to **fraudulent activities for the purpose of recruitment or the collection of funds**, the task of preventing these falls to the Ministries of the Armed Forces, Finance and the Interior, which are responsible for internal and external security, information and surveillance vis-à-vis the movement of funds.

Detailed outline of the provisions of Act No. 66-03 of 18 January 1966 and Decree No. 66-88

Act No. 66-03 of 18 January 1966, concerning the general rules governing weapons, classifies weapons into seven (7) categories: combat weapons, defensive weapons, hunting weapons, guns for target practice and fairground use, edged weapons, weapons for sale and weapons for collectors.

This law strictly prohibits the manufacture, importation, exportation, transfer, marketing, storage and bearing of combat or defensive weapons which are intended particularly for the law enforcement authorities.

...

A distinction is made for the second, third, fourth and fifth categories (art. 13), in that some of the activities in question may only be carried out with the permission of the authorities and under their supervision.

The manufacture of weapons by individuals for their own purposes is prohibited.

Persons found guilty of these acts are punished by imprisonment and a fine.

The provisions of the Act allow for the seizure of manufactured weapons which have been imported or are being held without permission.

Even in the case of weapons and ammunition intended for the security forces, the Act specifies that imports of these weapons are subject to a quota which is reviewed annually (art. 15).

In order to limit the number of offences committed with weapons, the Act prohibits those possessing weapons from bearing them outside their homes (article 18) except in the circumstances specified by decree.

It should be noted that the Government may at any time, depending on circumstances, withdraw all permits it has already issued for the import, storage and possession of weapons, in respect of those categories for which permits are authorized.

This Act concerning the general votes governing weapons established a system which encourages the security services to exercise great vigilance vis-à-vis persons holding weapons without permission, and arms traffickers with a view to preventing these activities.

It specifies the conditions to be complied with by approved importers, the restrictions imposed with regard to premises where weapons are stored, and the other formalities required by the Government (with regard to restocking and record-keeping).

Lastly, this legislation spells out how permits are issued for the import and purchase of weapons, and the frequency with which they must be renewed.

In the matter of weapons and ammunition, a particular feature of Senegal, as of many African countries, is that it has no arms industry of its own, and this helps to limit the circulation of military weapons.

Admittedly, because of the continuing conflict in the southern Casamance region, there is an arms traffic supplying the MFDC rebellion. However, Senegal is making every effort to bring this conflict to an end.

Practical measures taken to enforce the ECOWAS moratorium on illicit traffic in light weapons.

The ECOWAS moratorium on illicit traffic in light weapons, which was renewed in October 2001 for a period of three years, prohibits signatory countries, including Senegal, from importing, exporting or manufacturing light weapons, barring exceptional circumstances. It also calls for the establishment of "national commissions" in each member State to promote and ensure the coordination of specific measures to implement the moratorium at the national level.

In accordance with these recommendations, in April 2002 Senegal established its national commission on light weapons, based at the Ministry of the Armed Forces. In consultation with the Ministry of the Interior, it monitors all arms trading carried out within the country or on its borders.

Senegal has also disseminated widely information concerning the new measures and procedures governing the importation of weapons, as established by ECOWAS. All manufacturing or importation of weapons, by States and/or by individuals, must be authorized by the ECOWAS secretariat, which has to consult the member States before giving its authorization. If one or more member States object, the would-be manufacturer or importer has to apply to the arbitration unit of the secretariat.

In 2000, a member State lodged an objection against Senegal following the latter's request to import weapons for the National Police Force.

Last year, requests from some arms suppliers within the country also encountered objections.

In the light of the foregoing, it should be pointed out that apart from the ECOWAS moratorium, the possession, bearing and importation of weapons are strictly regulated by Senegal under Act No. 66-03 of 18 January 1966.

Subparagraph 2 (b)

The mechanism for inter-agency coordination between the authorities in Senegal responsible for narcotics, financial tracking and security, with particular regard to border controls necessary to prevent the movement of terrorist groups.

The mechanism available in Senegal to provide early warning of anticipated terrorist activity.

To deal with the phenomenon of narcotics trafficking, Senegal possesses the necessary administrative structures to combat drug trafficking and to coordinate the activities of the services involved. A National Narcotics Commission was set up as early as 1965. It was reorganized under Decree No. 87-415 of 3 April 1987, and

given the responsibility of formulating national policy and coordinating government drug-control activities.

The National Narcotics Commission was replaced in 1997 by the Interministerial Drug Control Committee, established under Decree No. 97-1217 of 17 December 1997. This Committee is chaired by the Ministry of the Interior, but is composed of representatives of seventeen other ministries, principally the Ministries of the Armed Forces, Justice, Foreign Affairs, Finance and Education.

This Committee has its own secretariat and is directed by a national coordinator. In addition to the ministries, representatives of six non-governmental organizations engaged in drug control activities work with the Committee.

The main tasks of the Committee are to:

Formulate national policy on drug abuse control and illicit drug trafficking;

Propose measures to improve the resources available to the various services involved in drug control;

Promote the dissemination of information, prevention, medical and social services, research and epidemiological and statistical studies on drug abuse;

Coordinate the work of non-governmental organizations engaged in preventing and combating drug abuse.

The Committee is required to submit an annual report to the Government and to the relevant international organizations on the national situation with regard to drug addiction and the progress made in controlling supply and reducing demand, and to make proposals to advance the various kinds of action to combat the scourge of drug abuse.

The service most directly involved on the ground in combating drug abuse is the Central Office for the Suppression of Illicit Trafficking in Narcotics (OCRTIS). It was initially established by Interministerial Decree No. 5671 of 10 July 1991. The rules governing its organization and operation were set out in Decree No. 976 1218 of 17 December 1997.

The chief functions of the Office are to:

Centralize all information that could lead to the arrest of drug traffickers;

Coordinate and guide all action taken to suppress illicit trafficking;

Take action at the national level and coordinate the work of the competent regional police services.

In the course of its work OCRTIS communicates with the Interministerial Narcotics Control Committee, the other government agencies involved in drug control, the judicial police and the customs service, as well as the services of the Ministry of Health.

Concerning drug addicts, Senegal adopted Decree No. 97 — 1219 of 17 December 1997 to establish the measures which should be taken to treat them.

At the inter-State level, the Senegalese agencies involved in drug control work in cooperation with GIABA in the ECOWAS subregion.

These agencies also maintain constant contact with the Regional Office of the United Nations International Drug Control Programme (UNIDCP), located in Dakar.

With regard to the existence of an early warning mechanism in Africa among inter-State information services, this is still at an embryonic stage.

Apart from the 1999 Algiers Convention, the African States have no legal framework for combating terrorism.

However, following the anti-American attacks at Nairobi and Dar-es-Salaam, and especially the New York attacks of 11 September 2001, it became clear not only that the Algiers Convention had not yet entered into force, but also that its provisions were neither adequate nor appropriate for the new requirements of an effective global anti-terrorist strategy.

For this reason, the Head of State of Senegal, President Abdoulaye Wade, took the initiative in mobilizing Africa after the attacks of 11 September 2001, by convening an emergency summit meeting to adopt the measures required from Africa in the global anti-terrorist struggle.

The draft African pact proposed by Senegal was replaced, at the meeting, by a Dakar Declaration calling for an action plan for the continent, and even more importantly for the preparation of an additional protocol to the Algiers Convention taking account of the new challenges and operational requirements of today's world, in order to prevent and combat terrorism in all its forms more effectively.

As part of this process the African Union (AU) organized in Algiers, from 11 to 14 September 2002, a high-level intergovernmental meeting which adopted an action plan for presentation to the next regular AU summit meeting, to be held in Maputo, and encouraged the AU Commission to consider in detail which aspects should be covered in the additional protocol, which should include, as well as the monitoring mechanism, other provisions to supplement and update the Algiers Convention. It is suggesting, in that regard, that the Commission should obtain proposals from States members of AU and submit a complete draft protocol to the AU legislative bodies as soon as possible, for consideration by the next summit meeting of the Union at Maputo (Mozambique).

However there is still no effective system of coordination in Africa, although the recently constituted African Union has made plans for one in its Peace and Security Council.

In the meantime, each State is drawing upon its own information, while also relying on the data available at Interpol, and is introducing new legislation. In the event of an immediate terrorist threat, the States will look to their own competent authorities.

From this point of view, Senegal has amended its internal legislation in order to suppress terrorism. It also has a counter-terrorism unit, but this unit would benefit from extra resources.

Lastly, Senegal is working with neighbouring countries in the struggle against national and transnational organized crime.

Subparagraph (c)

Legislation on the entry and stay of aliens

The conditions for the entry, stay and establishment of aliens are set out in Decree No. 71.860 of 28 July 1971.

Title I of this Decree lists the documents required for entry into Senegal, including a passport or travel document, and an entry visa unless that requirement is waived (for countries of the European Union and ECOWAS, the United States and Canada). However, the crews of ships and aircraft in transit may be allowed to enter Senegal on presentation of a crew member's pass, permit or certificate.

Title II sets out the conditions for and establishment of aliens, who require a visa mentioning the duration of the stay, or the residence or establishment permit granted. The visa is valid for a period of one year from the date of issue.

A visa may be issued to nationals of certain countries only after consultation with the Ministry of the Interior, which must be informed of the issue of a visa containing a residence permit.

Title III establishes the conditions governing an alien's departure from Senegalese territory. The alien must present the following documents at the border control post: a valid passport, travel document or equivalent, and the international vaccination certificates required by the health regulations. Holders of a foreign identity card, and children of immigrants who are under 15 years of age and travelling alone must obtain a visa issued by the Minister of the Interior.

Chapter II concerns the refoulement of any alien who fails to meet the requirements for entry into Senegal. It also provides for the expulsion, on the basis of a ministerial order, of any alien infringing the pertinent regulations in force.

The general provisions of the decree state that any alien whose conduct poses a threat to law and order or the security of the State will be prosecuted in the courts.

Subparagraph (d)

Application of the OAU Convention on the Prevention and Combating of Terrorism and the Dakar Declaration

The 2001 Dakar Convention invited all States members of OAU that had not ratified the Convention on the Prevention and Combating of Terrorism, adopted in Algiers on 14 July 1999, to do so.

Accordingly, Senegal ratified the Convention on 20 December 2001.

Moreover, President Abdoulaye Wade requested the formation of a working group of experts to prepare legislation relating to the prevention of terrorist acts, the financing of terrorism, the criminalization of such acts, and the universal competence of the Senegalese courts. The working group has begun work and is currently studying the possibility of amending Senegal's legal and institutional provisions in at least three areas:

The criminalization and penalization of terrorist acts;

The application to these offences of special rules of criminal procedure (for example, extension of police custody), and

The establishment, as required, of a new judicial institution for that purpose.

Subparagraph (e)

How are the offences mentioned in relation to this subparagraph seen as specifically meeting the requirements of the subparagraph in the transnational context, particularly when the acts performed in Senegal are not necessarily of a criminal, or serious criminal, nature?

Please refer to the reply contained in subparagraph (d) above, concerning the working group established to propose appropriate legislation.

The courts of Senegal are competent to deal with criminal acts in the following situations:

A Senegalese citizen who has committed outside Senegal an act which constitutes an offence under Senegalese law may be prosecuted and sentenced in the Senegalese courts.

- Under articles 35 and 43 of the Code of Penal Procedure, the Senegalese courts are competent to try any person habitually resident in Senegal who is suspected of involvement in an offence.
- With regard to competence in the case of an act committed outside Senegal by a foreign national currently in Senegal, please refer to the reply provided under subparagraph 1 (d).

Subparagraph (f)

Bilateral and multilateral treaties on mutual assistance in criminal matters to which Senegal is party.

Bilateral treaties

1. Judicial agreement with Tunisia, 13 April 1964, ratified by Senegal on 20 January 1965.
2. Agreement with the Gambia, 28 April 1965, ratified by Senegal on 26 June 1974.
3. Agreement with Mali, 8 April 1965, ratified by Senegal on 18 January 1966.
4. Agreement with Morocco, 3 July 1967, ratified by Senegal on 14 June 1968.
5. Agreement with France, 29 March 1974, ratified by Senegal on 8 January 1975.
6. Agreement with Guinea-Bissau, 8 January 1975, ratified by Senegal on 6 January 1978.
7. Agreement with Cape Verde, 17 April 1980, ratified by Senegal on 23 July 1982.

Multilateral treaties

1. ECOWAS Convention on Extradition, 6 August 1994, ratified by Senegal on 16 May 1995.

2. ECOWAS Convention on Mutual Assistance in Criminal Matters, 29 July 1992, ratified by Senegal on 30 April 1999.

3. Rome Statute of the International Criminal Court of 17 July 1998, ratified by Senegal on 30 April 1999.

4. Convention on Cooperation in Judicial Matters among the States Parties to the Accord on Non-Aggression and Mutual Assistance in Defence (ANAD), signed on 21 April 1987 at Nouakchott, ratified by Senegal on 28 December 1987.

5. General agreement on cooperation in judicial matters of the former African and Malagasy Common Organization (OCAM) of 12 September 1961.

Legal time frame for judicial assistance

The legislation does not establish a specific time frame for judicial assistance. Senegal may invite its competent judicial authorities to perform the tasks required within a time frame suited to the circumstances of the case.

The general rule with regard to judicial assistance is that Senegal takes the necessary steps to comply with a request for such assistance.

Subparagraph (g)

Mechanism for inter-agency coordination between the authorities responsible for narcotics control, financial tracking and security, in particular in regard to border control.

This information is given under subparagraph 2 (b).

Paragraph 3

Subparagraphs (a), (b) and (c)

In Senegal, extradition is governed by Act No. 71-77 of 29 December 1971.

Legal basis for extradition

Article 1 of the above-mentioned Act provides that "in the absence of a treaty, the conditions and procedures for, and effects of, extradition shall be determined by the provisions of the present Act, which shall also apply to any matters not expressly covered in the aforementioned treaties.

More precisely, all self-executing provisions contained in a treaty ratified by Senegal are enforced immediately.

The legislator intervenes if the provisions of a treaty require the adoption of domestic legislative measures (to determine a penalty, for example, in criminal matters).

Concerning extradition, Senegal does not apply the list principle for determining extraditable offences. Article 4 of Act No. 71-77 of 29 December 1971 on extradition provides that the acts that may result in a request for extradition either to or from Senegal are as follows: "All acts punishable by serious or correctional penalties, provided that the duration of the correctional penalty is two years or more. Extradition is not granted when the offence is of a political nature, when the perpetrator of an offence committed outside Senegal has been tried and a final judgement pronounced, and in the case of prescription of the public right to action prior to the request."

Subparagraphs (d) and (e)

Progress made by Senegal in relation to international conventions and protocols relating to terrorism

(a) *Conventions ratified by Senegal*

United Nations conventions

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963), ratified by Senegal on 28 February 1972;
2. Convention for the Suppression of Unlawful Seizure of Aircraft (signed at The Hague on 1 December 1970, entered into force on 14 December 1971), ratified by Senegal on 14 February 1973);
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971), ratified by Senegal on 5 January 1973, and its 1988 Protocol;
4. International Convention against the Taking of Hostages (New York, 1979), ratified by Senegal on 10 March 1987;
5. International Convention against the Recruitment, Use, Financing and Training of Mercenaries (4 December 1989), ratified by Senegal on 3 April 1999.

Organization of African Unity (OAU) Conventions

1. OAU Convention on the Prevention and Combating of Terrorism (Algiers, 14 July 1999), ratified by Senegal on 20 December 2001;
2. OAU Convention for the Elimination of Mercenarism in Africa, signed by Senegal at Addis Ababa on 8 February 1978 and ratified on 2 July 1981.

(b) *United Nations Conventions relating to terrorism for which Senegal has initiated the ratification process*

1. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973);
2. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988);
3. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (Rome, 10 March 1988),

supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

4. Protocol for the Suppression of Unlawful Acts of Violence at Airports, Serving International Civil Aviation (Montreal, 1988);

5. Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);

6. International Convention for the Suppression of Terrorist Bombings (New York, 1997);

7. International Convention for the Suppression of the Financing of Terrorism (New York, 1999);

8. United Nations Convention against Transnational Organized Crime and its additional protocols (December 2000);

9. Convention on the Physical Protection of Nuclear Material (Vienna, 26 October 1979).

Is the supremacy of international treaties over domestic legislation such that it obviates the need for legislation to give effect domestically to Senegal's obligations under international instruments?

No. For example, article 1 of Act No. 71-77 of 28 December 1971 provides as follows: "in the absence of a treaty, the conditions and procedures for, and effects of, extradition shall be determined by the provisions of the present Act, which shall also apply to any matters not expressly covered in the aforementioned treaties."

Have the offences set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which Senegal is party?

There is no need to provide specifically for those offences, since the general law of extradition is regulated by the treaties themselves as applied by Senegal, if it has ratified them, or, by default, by Act No. 71-77 of 28 December 1971 on extradition.

Subparagraph (g)

Is it possible under the law of Senegal for requests for the extradition of alleged terrorists to be refused on political grounds?

See answer provided above under paragraph 3, subparagraphs (a), (b) and (c).

Paragraph 4

Senegal shares the concerns expressed in paragraph 4 of Security Council resolution 1373 (2001), and has therefore constantly cooperated for the past decade in the coordination of efforts at the national, subregional, regional and international levels.

At the national level, Senegal was the first West African country to criminalize the laundering of funds derived from illicit narcotics trafficking, by establishing mechanisms for collaboration among government authorities, economic actors and the financial and banking world in order to combat that scourge effectively.

The authorities are therefore preparing to incorporate the ECOWAS draft law on money-laundering into national law.

At the subregional level, Senegal has learned lessons from its national experience in combating money-laundering, which was obstructed by the banking confidentiality established by the WAEMU treaty. The Government therefore took the initiative with a view to establishing a subregional body to combat money-laundering within ECOWAS, which led to the creation of the Inter-Governmental Action Group against Money Laundering (GIABA). Senegal is also coordinating the activities relating to the setting up of GIABA.

At the international level, Senegal played an important part in the preparation and adoption of the United Nations Convention against Transnational Organized Crime, which it signed at Palermo (Italy) on 13 December 2000, having participated in the twelve sessions of the Ad Hoc Committee established for that purpose by the General Assembly of the United Nations.

Lastly, Senegal takes every opportunity to urge other African states to follow its example and ratify that Convention.

United Nations S/2002/1213

Security Council

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Letter dated 25 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 6 August 2002 (S/2002/910).

The Counter-Terrorism Committee has received the attached supplementary report from Yemen, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-66968 (E) 061102 071102

Annex

Letter dated 17 October 2002 from the Permanent Representative of Yemen to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 15 July 2002 (reference S/AC.40/2002/MS/OC.128), regarding the Yemeni Government's report on anti-terrorism measures, I have the honour to enclose herewith the reply to the above-mentioned letter.

(*Signed*) Abdullah M. **Alsaidi**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

Paragraph 1 (a)

Response

The Central Bank of Yemen has undertaken to designate entities and individuals whose financial support must be stopped, pursuant to letter No. RW/35/3513 of the Prime Minister, dated 3 October 2001, and letter No. (1)/156/102/1553 of the Minister for Foreign Affairs, dated 2 October 2001, on the basis of Security Council resolution 1373 (2001) and the resolution adopted by the Council of Ministers at its session of 2 October 2001.

The Central Bank of Yemen has issued the necessary instructions to all banks operating in the Republic of Yemen, as follows:

1. Circular No. 81206 of 4 October 2001 contains 27 names of organizations and persons whose assets are to be frozen;

2. Circular No. 8735 of 18 October 2001 contains 39 names of companies, individuals and entities;

3. Circular No. 99230 of 24 November 2001 includes two lists, the first containing the names of 16 organizations and the second, the names of 62 individuals and organizations.

The instructions issued by the Central Bank included the reporting of banks, organizations and individuals whose accounts must be frozen, any funds frozen and any other information relating to any name appearing in the list.

Paragraph 1 (b)

Response

Act No. 1 of 2001, on non-governmental associations and institutions, is composed of 88 articles grouped into eight chapters, as follows:

Chapter I includes names, definitions and purposes;

Chapter II contains the rules governing the establishment, registration and announcement of non-governmental associations and institutions;

Chapter III deals with the administration of non-governmental associations and institutions and their financial resources;

Chapter IV deals with the dissolution, liquidation, merger and splitting of non-governmental associations and institutions;

Chapter V contains texts and provisions relating to non-governmental institutions;

Chapter VI relates to federations;

Chapter VII treats of penalties;

Chapter VIII deals with final judgements.

The Act is intended to foster non-governmental associations and institutions and encourage them to participate in comprehensive development and not to go against the objectives of the Constitution and the legislation in force.

The Act grants the Ministry of Social Security and Social Affairs and its offices in the capital and the governorates legal oversight over non-governmental associations and institutions and their activities.

It establishes penalties ranging from fines to imprisonment for anyone who undertakes an activity or spends money in violation of the purpose for which the association or institution was established.

The Republic of Yemen makes every effort to circulate such conventions among the authorities concerned so that they may act in accordance with them; the Government monitors implementation.

Paragraph 1 (c)

Response

The Central Bank of Yemen has issued instructions concerning suspicious funds to all banks and exchange offices operating in the Republic of Yemen. The instructions are based on the "Know your customer" principle. They also call for taking precautions in cases that so require, obtaining complete data and applying the notion "Keep your money, keep your records". For example, the instructions require an inquiry into the identity of anyone not having an account with the bank who requests the transfer of an amount exceeding $10,000 or the equivalent in other currencies. The same procedure is applied in the case of transfer recipients. In all cases full particulars are obtained.

There are no relevant provisions in the Banking Act. However, article 25 (1) (a) requires every bank or financial institution designated in a decision issued by the Central Bank of Yemen to provide to the Central Bank a monthly report containing the following information:

(a) The balance of credit offered by the bank or financial institution concerned;

(b) A list of loans and credit facilities amounting to 10 million rials or more, with the names of the borrowers, maturity dates and guarantees provided for them;

(c) A list indicating the names of persons having taken out loans the repayment of any part which is 90 days overdue and the amount of the outstanding balance due.

2. The Central Bank prepares a consolidated statement showing the facilities granted to all client banks, permissible overdraft amounts, guaranties provided and a record of late payment of loans by all borrowers, without indicating the names of the granting banks.

3. Any bank or financial institution designated in a decision issued by the Central Bank has the right to examine the consolidated statement with regard to any client that requests credit facilities from it. The Central Bank does not assume any liability with respect to the data contained in such consolidated statements or their publication.

Under the Banking Act (Act No. 38 of 1998), the freezing of deposits is not contingent upon the existence of a verdict of guilty of the commission of a crime.

The Public Prosecutor has the power to take precautionary measures until investigations and trial proceedings are conducted.

Paragraph 1 (d)

Response

Detailed outline of the provisions of Act No.12 of 1994. This Act, which relates to offences and penalties, contains 225 articles divided among 13 chapters. It defines the various types of crimes and enumerates the related penalties. One chapter is devoted to offences relating to State security and internal security (such as armed rebellion and membership in armed bands). It also contains a chapter devoted to crimes involving public danger (such as arson, explosions, the jeopardizing of transport and communication means and the possession and transportation of and traffic in explosives. In addition, the Act contains provisions relating to crimes affecting the national economy.

Concerning the laws and procedures in force for regulating alternative remittance systems, including systems of, or similar to, the kind known as "hawala", the following can be said:

A. Means of remittance at present are the traditional means, consisting in the following:

1. Cash;
2. Cheques;
3. Transfers (hawalat).

B. The procedures and laws governing traditional remittance systems are as follows:

1. The Central Bank Act (Act No. 14 of 2000);
2. The Financial Code (Act No. 8 of 1990);
3. The Commercial Code (Act No. 32 of 1991);
4. The Civil Code (Act No. 14 of 2002);
5. The Exchange Act (Act No. 20 of 1995);
6. Customary banking practices.

C. The Central Bank has issued instructions to banks and exchange establishments in the Republic of Yemen relating to the following:

1. Ascertainment of the identity of persons not having an account with the bank who request the transfer of sums of money greater than $10,000 or the equivalent in other currencies;

2. The application of the same provisions to the payees of transfers. In all cases full particulars are obtained.

D. Requirements:

1. Training of managerial staff in the various aspects of banking.

Paragraph 2 (a)

Response

Chapter IV of the Yemeni Constitution deals with the fundamentals of national defence. Article 36 provides that the State establishes the armed forces, the police and security organs and any other forces, which belong to the entire people and whose duties are to protect the Republic and its territorial integrity and ensure their security. No individual, group, organization or political party has the right to establish military or paramilitary formations or forces for any purpose or under any name whatsoever.

Article 8, paragraph 6, of Act No. 66 of 1991, on political organizations and parties, provides against the following:

(a) Establishment of military or paramilitary formations or assistance in their establishment;

(b) The use, threat of use or incitement to use violence in any form;

(c) The inclusion in the programmes, publications or printed materials [of an organization] of any incitement to violence or the creation of open or secret military or paramilitary formations.

Practical measures adopted to prevent terrorists obtaining weapons:

Outside the territory of the State:

- The placing of tight controls on sea, air and land exit/entry points to prevent the infiltration of weapons, and the equipping of those exit/entry points with computerized monitoring systems;
- Control of the Yemeni coast by the Coast Guard Department, which is still in process of being set up and requires support and assistance.

Within the territory of the State:

- Control of places where weapons are sold;
- The placing of tight controls on the importation and transporting of explosives, the importing of which is authorized for the execution of development projects and related civil and military works;
- Act No. 40 of 1992 on the bearing of and trade in firearms and ammunition and the related implementing regulation, issued by Republican Decree No. 1 of 1994. The Act regulates the bearing of firearms and makes trading in them subject to a licence issued by the Minister of the Interior. It further provides for the confiscation of weapons which are in violation of the law and the regulation.

Paragraph 2 (b)

Response

A number of agencies deal with counter-terrorism (Central Political Security Agency, Ministry of the Interior — Counter-terrorism Department; in addition, a National Security Agency is currently being created). General policies and measures in the area of counter-terrorism are decided by the Government and each agency assumes the role assigned to it.

To ensure effective counter-terrorist activity, coordination takes place from time to time among the agencies concerned, even including the creation of a crisis management team whenever necessary.

Each agency establishes its own plans and programmes on the basis of the general policies set by the Government. The distribution of functions is effected within the framework of inter-agency coordination.

The mechanism currently available operates through bilateral communications between the competent agencies as well as through the diplomatic missions and the International Criminal Police Organization (Interpol) within the framework of the machinery of the Arab Convention for the Suppression of Terrorism.

Paragraph 2 (c)

Response

Act No. 47 of 1991, concerning alien entry and residence, together with its implementing regulation No. 4 of 1994, deals with the modalities of the entry of aliens into the territory of the Republic of Yemen and the procedures for their registration after entry and also contains provisions relating to residence permits. The Act gives the Minister of the Interior the power to expel any alien pursuant to a decision of the Deportation Committee provided for in the Act. Finally, the Act devotes a chapter to penalties, ranging from a fine to imprisonment, for the illegal entry of any alien into the territory of the Republic or for failure to comply with a deportation decision issued by the Minister.

Yemen is one of the countries that have suffered from terrorism. Yemen does not export terrorism, but is rather the target of exported terrorism. Its attitude towards the conventions on that subject is the same towards States that are parties to those conventions and States that are not, just as the Arab Convention for the Suppression of Terrorism is all-inclusive and does not operate in a context of inequality between Arabs and non-Arabs.

Paragraph 2 (d)

Response

Act No. 24 of 1998, on combating kidnapping and armed interception, provides a number of penalties, including the death penalty in case of the person who heads a band for kidnapping, armed interception or the looting of public or private property.

It calls for a penalty of 12 to 15 years' imprisonment for anyone who kidnaps a person, increased to 20 years if the kidnapping involves a female or a youth.

It provides for a penalty of 10 to 15 years' imprisonment for anyone who seeks, in a foreign country or a band, to commit any act of kidnapping, armed interception or looting of public or private property.

The Act further establishes a penalty of 10 to 12 years' imprisonment for anyone who hijacks any means of air, land or sea transport, the penalty being increased to 15 years if any person is injured as a result of the hijacking.

In cases where persons are taken hostage for the purpose of exerting pressure on public authorities or obtaining a benefit or advantage, the Act provides for a penalty of 10 to 12 years' imprisonment.

In the case of assault by any person on any individual charged with combating the crimes of kidnapping, hijacking, armed interception or looting during the performance of that individual's duty, the penalty is from 7 to 10 years' imprisonment, the said penalty being increased to 15 years if the assault results in bodily injury.

The penalty provided by the Act for assisting a kidnapper or hijacker or for concealing a kidnapped person or objects hijacked or seized is 5 to 8 years' imprisonment.

List of bilateral security instruments concluded by the Republic of Yemen with other States:

1. Agreement on security cooperation between the Republic of Yemen and the former Soviet Union;

2. Agreement on cooperation in the field of narcotics between the Republic of Yemen and Saudi Arabia;

3. Agreement on security cooperation with Libya;

4. Agreement on security cooperation with Saudi Arabia;

5. Agreement on security cooperation with Ethiopia;

6. Agreement on security cooperation with Jordan;

7. Agreement on security cooperation with Egypt;

8. Agreement on security cooperation with Djibouti;

9. Agreement on security cooperation with Algeria;

10. Agreement on security cooperation with Qatar;

11. Agreement on security cooperation with Eritrea.

Regarding international agreements, please see the response to question 3 (d) in the report submitted by Yemen to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

Paragraph 2 (e)

Response

Competence of the courts of Yemen to deal with criminal acts of various kinds:

Under Yemeni law, Yemeni courts are competent to try persons who have committed crimes outside the territory of the Yemeni State, subject to three conditions, namely:

1. That the act committed is considered a crime under Yemeni law;

2. That the person has returned to the territory of the Republic of Yemen;

3. That the act constituted a punishable offence under the law of the State in which it was committed.

This is clearly stated in article 246 of the Code of Criminal Procedure (Act No. 13 of 1994), which provides as follows: "The Yemeni courts are competent to try any Yemeni who has committed, outside the territory of the State, an act considered an offence under Yemeni law, provided that he has returned to the Republic and that the act is punishable under the law of the State in which it was committed".

Under Yemeni law, Yemeni courts are competent to try foreign nationals who have committed an offence outside the territory of the Yemeni State in a number of cases, namely:

- If the person has committed an offence prejudicial to the security of the Yemeni State;
- If the person has committed crimes of imitation or falsification of official seals of the Yemeni State or of any public agency therein;
- If the person has committed the crime of counterfeiting a national currency in lawful circulation in the Yemeni State, removing such currency from the territory of Yemen in a manner contrary to law or obtaining it for the purpose of circulating it or operating with it in unlawful ways that adversely affect the Yemeni national economy.

In this regard, article 247 of the Code of Criminal Procedure provides as follows:

> "The Yemeni courts are competent to try any person who commits, outside the territory of the State, an offence prejudicial to the security of the State, as provided in book two, chapter I, of the Penal Code, or the crime of imitating or falsifying seals of the State or of any public agency or of counterfeiting a national currency in lawful circulation, exporting such currency or obtaining it for the purpose of circulating it or operating with it."

The competence granted to the Yemeni courts under the said article is general, comprising the trial of "any person who commits ...", whether the perpetrator of the offence is a Yemeni or foreign national and whether he is resident within or outside the territory of the Republic of Yemen.

Article 17 (2) of the Code of Criminal Procedure, moreover, provides as follows: "The Code of Criminal Procedure applies to citizens as well as to nationals of foreign States and stateless persons". The article states that Yemeni law applies to

aliens resident in Yemen, as mentioned in the preceding article. With regard to the competence granted to Yemeni courts, if an alien resident in Yemen commits, outside the territory of the Yemeni State, one of the offences mentioned in article 247 of the Code of Criminal Procedure, the Yemeni courts have trial jurisdiction. The question of which trial courts are competent (i.e., which courts are by law granted competence for such trials) is answered in a general way in article 236 of the Code of Criminal Procedure, which provides as follows:

1. If an offence to which the provisions of Yemeni law apply occurs outside the country and the perpetrator does not have a known place of residence in the Republic and has not been apprehended there, a criminal action shall be instituted against him before the courts of the capital;

2. If the offence is committed partly outside the Republic and partly within, the court within whose jurisdiction the place where the acts were perpetrated within the Republic is located shall be competent locally.

Article 234 of the Code of Criminal Procedure provides as follows:

1. Jurisdiction shall be determined locally by the place where the offence took place, the place in which the accused is resident or the place in which he was apprehended. The jurisdiction of the court before which the action was first instituted shall remain unchanged.

2. In the case of an attempt, the offence shall be deemed to have been committed in every place where an attempt at perpetration was made.

Articles 234 and 236 clearly determine which courts are competent and to which courts jurisdiction is attributed by Yemeni law for trying cases in which the offence is committed outside the territory of Yemen, as follows:

- If the person has no known residence or has not been apprehended in the territory of the Republic and has committed an offence outside that territory, competence for trying him shall belong to the courts of the capital.
- If the person has committed, outside the country, an offence provided for in article 246, in the case of Yemenites, or article 247, in the case of aliens, and has a known residence in Yemen or was apprehended anywhere in Yemen, the competent court shall be that within whose jurisdiction the accused person is resident or was apprehended or that before which the action was first brought.
- Article 234, mentioned above, provides a response to the part of this question that reads "or habitually resident in Yemen", inasmuch as the court within whose jurisdiction the accused is resident is competent to try him if he is an alien habitually resident in Yemen.

Paragraph 2 (f)

Response

List of the bilateral and multilateral conventions on mutual assistance in criminal matters and on extradition to which Yemen is party

	Name of convention	*Type*	*Date of ratification or accession*
1	Arab Convention on Judicial Cooperation	Multilateral (Arab)	1984
2	Arab Convention Against Narcotic Drugs and Psychotropic Substances and Illicit Traffic in them	Multilateral (Arab)	1998
3	Arab Convention for the Suppression of Terrorism	Multilateral (Arab)	1999
4	Agreement on Judicial and Legal Cooperation between Yemen and Jordan	Bilateral	1998
5	Agreement on Judicial and Legal Cooperation between Yemen and Tunisia	Bilateral	2001
6	Convention on the Prevention and Punishment of the Crime of Genocide	Multilateral (international)	9 February 1987
7	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	Multilateral (international)	9 February 1987
8	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Multilateral (international)	5 November 1991
9	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	Multilateral (international)	16 July 1970
10	Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	Multilateral (international)	16 July 1970
11	Geneva Convention relative to the Treatment of Prisoners of War	Multilateral (international)	16 July 1970
12	Geneva Convention relative to the Protection of Civilian Persons in Time of War	Multilateral (international)	16 July 1970
13	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I)	Multilateral (international)	17 April 1990
14	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II)	Multilateral (international)	17 April 1990

There exist draft conventions relating to this subject which Yemen intends to conclude multilaterally with a group of Arab States (Convention against Organized Crime across Arab Borders) or with international parties (International Convention against Transnational Organized Crime, International Convention against Corruption) or bilaterally with both Arab and non-Arab States, such as Egypt, Algeria, the Sudan, Djibouti, the Syrian Arab Republic, the Democratic People's Republic of Korea and India.

There is no specific or fixed legal time frame within which a request for judicial assistance must be met. However, immediately upon the receipt of a request, the requisite legal steps are taken to comply with it on an urgent basis.

The average time actually taken in practice to implement such a request in Yemen depends on the magnitude and nature of the case for which judicial assistance is requested. It generally ranges from 1 to 12 months and may be longer.

Paragraph 2 (g)

Response

A narcotics control agency has been created.

Coordination with specialized agencies takes place through the liaison offices of the Council of Arab Ministers of the Interior and the central national Interpol bureaux.

Lists of drug traffickers and terrorist groups are exchanged by way of bilateral cooperation in order to prevent their movement.

The civil status agencies have begun work on a project for the computerized issuance of identity cards, using advanced technologies to prevent falsification. Similarly, the Department of Immigration and Passports has worked on the issuance of passports using a secure system that prevents falsification.

A point-of-entry control system is currently being set up, based on the use of state-of-the-art systems.

The control of unauthorized border crossings involves cooperation and coordination with neighbouring States to which Yemen is bound by bilateral cooperation agreements.

Paragraph 3 (d)

Response

Yemen, ever since its ratification, in March 1983, of the Convention for the Suppression of Unlawful Seizure of Aircraft, has spared no effort to enact national legislation to bring its legal texts into harmony with the international conventions and agreements to which it is a party.

Paragraph 3 (e)

Response

A law is enacted in respect of every international convention acceded to or ratified by Yemen, which consequently becomes part of national law.

The offences set forth in international conventions have been included in the articles of the bilateral treaties concluded by Yemen with other States.

Paragraph 3 (g)

Response

The legal basis for the extradition of criminals in Yemen lies in the bilateral and multilateral international treaties and conventions to which Yemen is a party, since by virtue of their very ratification those instruments become an inseparable part of the domestic legislation of Yemen and hence enforceable.

Yemen makes every effort, through its various judicial, political, legislative and security institutions, to enact legislation or amend its legislation in accordance with those instruments.

The extradition of offenders in Yemen is contingent on the existence of bilateral and multilateral conventions and treaties on the subject.

Under the conventions to which it is a party, Yemen can refuse extradition on political grounds, because one of the fundamental principles of extradition on which those instruments rest is that the offences attributed to the accused must not be political in character.

There is no difference in Yemen's practice between its dealings with States parties to the Arab Convention for the Suppression of Terrorism and its dealings with States not parties. The principle of no extradition for political offences is general.